



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 8, 2009

VI.1

ITEM NUMBER:

**SUBJECT: SECOND TIME EXTENSION FOR PLANNING APPLICATION PA-06-60
DESIGN REVIEW FOR TWO UNIT RESIDENTIAL COMMON-INTEREST
DEVELOPMENT AT 224 KNOX STREET**

DATE: MAY 28, 2009

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714-754-5136

DESCRIPTION

The property owner is requesting an extension of time for a design review to construct a two-unit, two-story detached residential common-interest development.

APPLICANT

Keith Ray is the property owner and applicant.

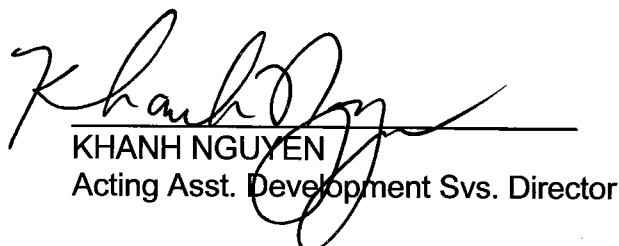
PROJECT CONSULTANT

Arne Valenti of Arne Valenti Designs is the project architect.

RECOMMENDATION

Approve the time extension to be valid to March 10, 2011 by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KHANH NGUYEN
Acting Asst. Development Svs. Director

BACKGROUND

Design Review PA-06-60

The property is located mid-block between Orange Avenue and Westminster Avenue, on the north side of Knox Street. It is zoned R2-MD (Multiple Family Residential – Medium Density) and has a General Plan designation of Medium Density Residential. The lot is vacant and is secured and screened with a chain link fence and opaque fabric.

On January 22, 2007, Planning Commission on a 4-0 vote approved Design Review PA-06-60 for the construction of a two-unit, two-story detached residential condominium development.

The Planning staff report and meeting minutes for the design review can be viewed on the City's website at the links below:

PA-06-60 Report

<http://www.ci.costa-mesa.ca.us/council/planning/2007-01-22/012207PA0660.pdf>

PA-06-60 Minutes

http://www.ci.costa-mesa.ca.us/council/planning/pm_070122.pdf

Parcel Map PM-07-237

On March 10, 2008, Commission approved Tentative Parcel Map PM-07-237 to subdivide the property for residential condominium purposes. The map approval was valid for two years. However, Senate Bill 1185 was passed in July 2008 which allowed the two-year approval period for specified maps to be automatically extended by an additional year. In accordance with Government Code Section 66452.21, Tentative Parcel Map PM-07-237 is valid to March 10, 2011.

ANALYSIS

The proposed project consists of two detached single-family residences as follows:

- 3 bedroom/2 ½ bath front unit (2,810 square feet) with standard two-car garage and 19-foot long driveway from Knox Street
- 3 bedroom/2 ½ bath rear unit (2,759 square feet) with standard two-car garage and alley access

This project complies with the Residential Development Standards and the overall intent of the Residential Design Guidelines. While the front unit does not strictly satisfy the Residential Design Guidelines with respect to second floor left side setback (10-foot average recommended; 9-foot average proposed), Commission determined that the project provides architectural interest and is compatible with the neighborhood.

A recorded parcel map is required prior to the issuance of building permits for the condominium units. The applicant submitted grading and building plans for plan check in

June 2007. However, due to economic conditions, the applicant has not recorded the parcel map and, as a result, cannot obtain building permits prior to the expiration of the design review approval. Since applicable Code sections and residential design guidelines have not changed since Commission's approval of the design review, staff recommends approval of the time extension.

Additionally, because building permits cannot be issued without proof of recordation of the parcel map, staff recommends that the valid timeframe for the design review approval coincide with the expiration of the parcel map. Due to an automatic one-year extension granted to specified subdivision maps by the State Legislature, the map approval is valid to March 10, 2011. Therefore, staff recommends that the time extension be valid until that date.

ALTERNATIVES

If the time extension for the design review is denied, the tentative parcel map to subdivide the property for condominium purposes will still be valid until March 10, 2011, but the applicant would not have a corresponding development project. The applicant could not file a similar request for six months.

CONCLUSION

Approval of the time extension would allow the applicant additional time to obtain building permits in order to move forward with construction. Staff recommends approval of the time extension, given that applicable Code sections and residential design guidelines have not changed since the original approval and that the State Legislature has extended the life of certain subdivision maps by an additional year.

Attachments: 1 Planning Commission Approval and Denial Resolutions
 2 Applicant's Time Extension Request Letter
 3 Location Map
 4 Plans

cc: Acting Development Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Keith Ray
2019 Yacht Resolute
Newport Beach, CA 92660

ATTACHMENT 1

RESOLUTION NO. PC-09-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING A SECOND EXTENSION OF TIME FOR PLANNING APPLICATION PA-06-60

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, Planning Application PA-06-60 is a design review for a two-story, two-unit condominium project at 224 Knox Street, in the R2-MD zone;

WHEREAS, on January 22, 2007, Planning Commission approved PA-06-60 by adoption of Resolution No. PC-07-09, of which is attached hereto as Exhibit "1";

WHEREAS, on March 10, 2008, Planning Commission approved Tentative Parcel Map 07-237 to subdivide the property for residential condominium purposes. In accordance with State of California Government Code Section 66452.21, the expiration date of this subdivision map is automatically extended for an additional year, to March 10, 2011;

WHEREAS, on January 25, 2008, Commission approved a one-year time extension for PA-06-60 by adoption of Resolution No. PC-08-22;

WHEREAS, a second time extension request for PA-06-60 was filed by property owner Keith Ray;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 8, 2009 to consider the time extension request;

WHEREAS, the time extension does not change the previously-adopted findings and conditions of approval for Planning Application PA-06-60, as specified in Exhibits "A" and "B" respectively, of Resolution No. PC-07-09. These findings and conditions of approval in their entirety are still applicable to the proposed project.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **APPROVES** an extension of time for Planning Application PA-06-60 to be valid to **March 10, 2011** with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-06-60. This

action is also based on the evidence in the record and findings and subject to the applicant's compliance with each and all of the conditions as specified in Resolution No. PC-07-09.

PASSED AND ADOPTED this 8th day of June 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Khanh Nguyen, Acting Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 8, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Khanh Nguyen, Acting Secretary
Costa Mesa Planning Commission

EXHIBIT 1

RESOLUTION NO. PC-07- 09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-06-60

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

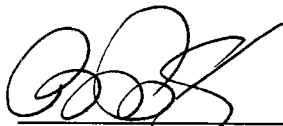
WHEREAS, an application was filed by Arne Valenti, authorized agent for property owner Jim Stern, with respect to the real property located at 244 Knox Street, requesting approval of a design review to construct two, two-story condominium units in the R2-MD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 22, 2007.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-06-60 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-06-60 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 22nd day of January 2007.



Bill Perkins, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)

COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on January 22, 2007, by the following votes:

AYES: COMMISSIONERS: PERKINS, HALL, EGAN, FISLER

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

W. Bouwens - Letter for
Secretary, Costa Mesa
Planning Commission P. Michael
Robinson

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
 - c. The project is consistent with the General Plan designation of Medium Density Residential. Under this designation two dwelling units are allowed on the subject property and two dwelling units are proposed. Approval of the condominiums will also satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development is substantially compatible and harmonious with existing and/or anticipated development on surrounding properties. This includes site planning, landscaping, appearances, scale of structures, location of windows, and any other applicable features relative to a compatible and attractive development. Specifically, the project is consistent with the City's General Plan and Zoning Code, and the City's Residential Design Guidelines. The project is of a character and scale compatible with the neighborhood. The buildings incorporate multiple building planes and offsets, and elevations with stepping forms both horizontally and vertically to provide architectural interest. The second story windows are also placed so as to minimize privacy impacts and direct views into windows of adjacent residences. Approval of the condominium units will also provide additional home ownership opportunities in the City.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. The approved address of individual units (A and B) shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
 2. Prior to issuance of building permits, applicant shall contact the US Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 3. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 4. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
 5. The site plan submitted with initial working drawings shall contain a notation specifying the project is a 2-unit, common interest (condominium) development.
 6. The applicant shall contact the current cable company prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
 7. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning staff.
 8. Homeowners Association CC&Rs shall include a requirement that residents park in garages.
 9. The CC&Rs shall include a provision mandating binding arbitration in the event of any dispute between the two property owners relating to the homeowner's association.
 10. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
 11. The conditions of approval, code requirements, and special district requirements of Planning Application PA-06-60 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 12. The applicant shall contact the Planning Division to arrange for an

inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

13. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
14. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, additional second story windows, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process such as a design review or a variance, or in the requirement to modify the construction to reflect the approved plans.
15. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

Eng.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING A SECOND EXTENSION
OF TIME FOR PLANNING APPLICATION PA-06-60**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by property owner Keith Ray, with respect to the real property located at 224 Knox Street, requesting approval of a second time extension for a design review to construct two, two-story condominium units, in the R2-MD zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 8, 2009;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** a second time extension for Planning Application PA-06-60 with respect to the property described above.

PASSED AND ADOPTED this 8th day of June 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

ATTACHMENT 2

Keith and Donna Ray
2019 Yacht Resolute
Newport Beach, CA 92660

Received
City of Costa Mesa
Development Services Department

March 30, 2009

APR - 9 2009

Planning Dept.
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

Re: Property Address 224 Knox, Costa Mesa

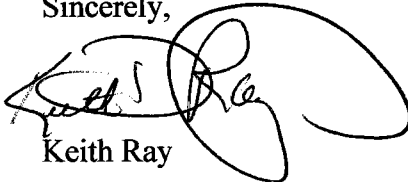
Dear Planning Dept:

We would like to request that the planning approval for our property located at 224 Knox be extended for an additional year.

We have not been able to acquire construction financing to complete this project at this time, especially with today economic situation.

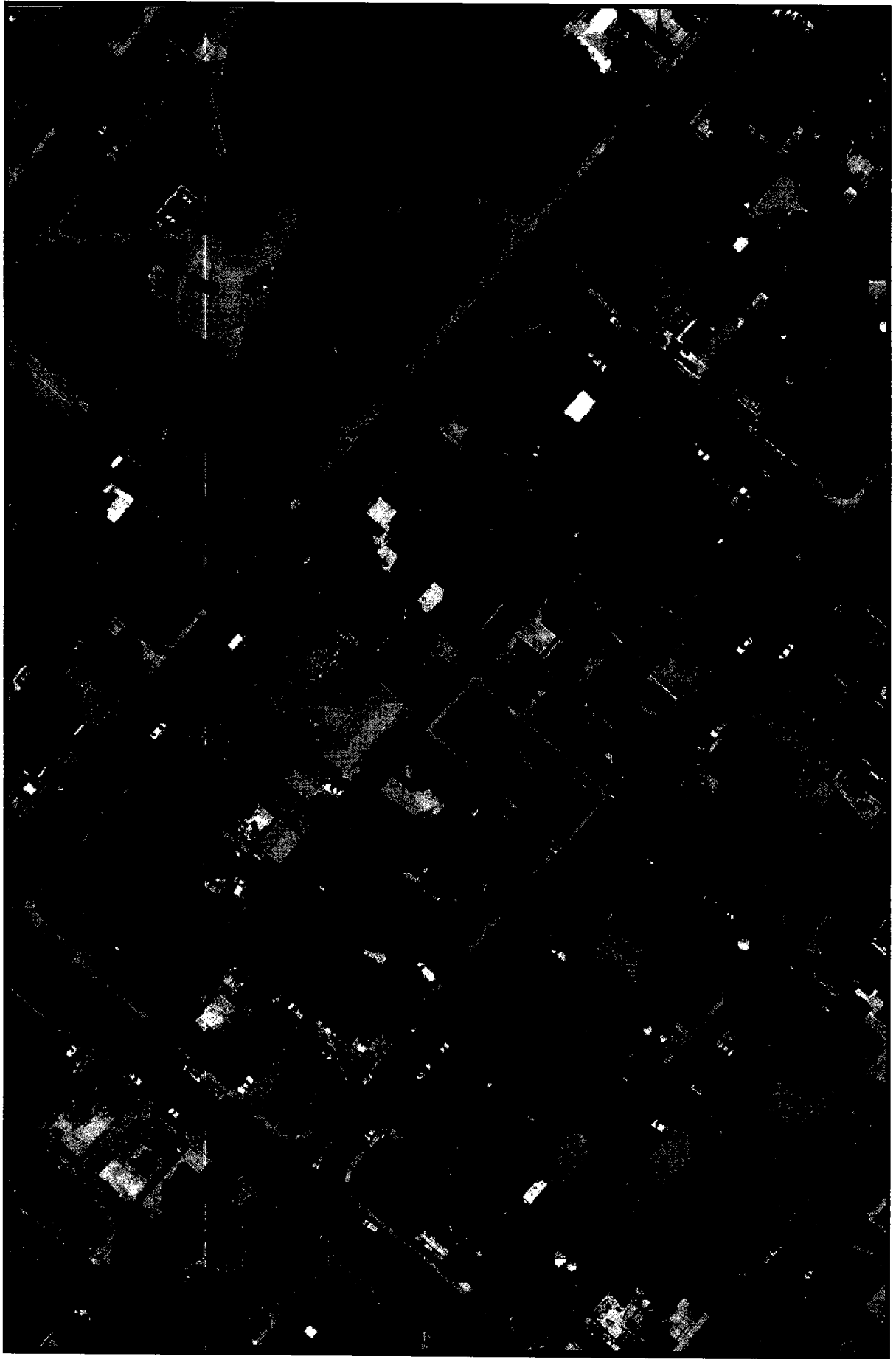
We however are still looking to build this project in the future.

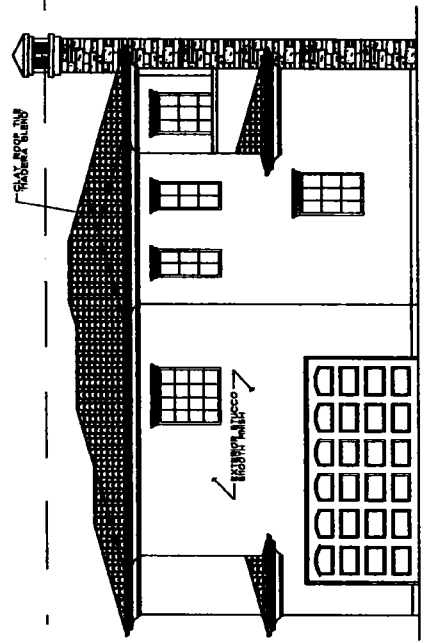
Sincerely,


Keith Ray

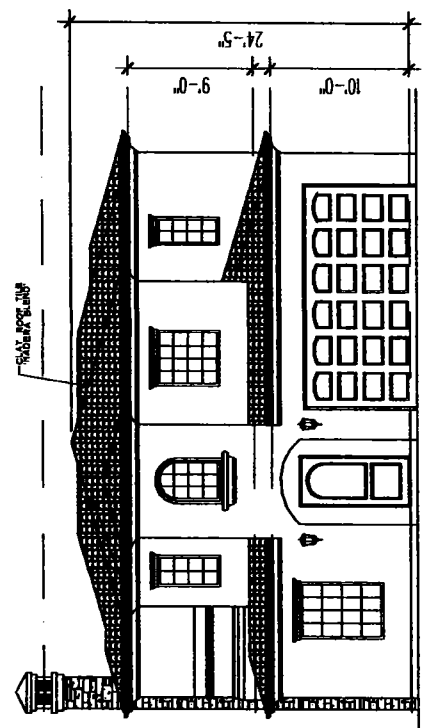
ATTACHMENT 3

LOCATION MAP

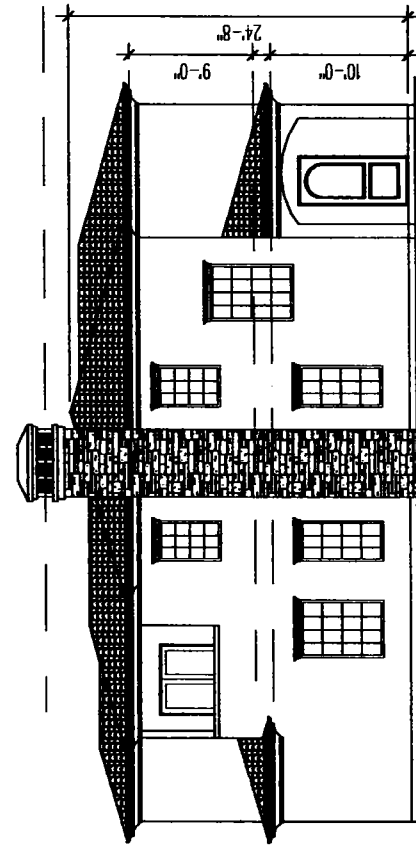




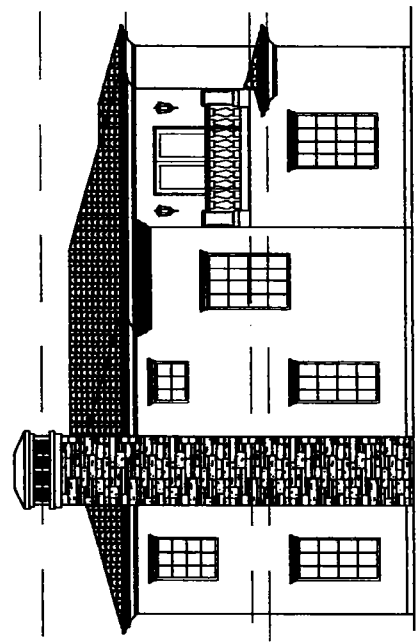
224B KNOX ST. REAR UNIT - REAR ELEVATION



224A KNOX ST. FRONT UNIT - FRONT ELEVATION



224B KNOX ST. REAR UNIT - LEFT ELEVATION



224A KNOX ST. FRONT UNIT - LEFT ELEVATION

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- # STENOGRAPHY NOTES
1. The first step in stenography is to learn the shorthand symbols for the vowels and consonants.
 2. The next step is to learn the shorthand symbols for the words and phrases.
 3. The third step is to learn the shorthand symbols for the numbers and dates.
 4. The fourth step is to learn the shorthand symbols for the names of people and places.
 5. The fifth step is to learn the shorthand symbols for the names of things and objects.
 6. The sixth step is to learn the shorthand symbols for the names of actions and events.
 7. The seventh step is to learn the shorthand symbols for the names of feelings and emotions.
 8. The eighth step is to learn the shorthand symbols for the names of ideas and concepts.
 9. The ninth step is to learn the shorthand symbols for the names of places and locations.
 10. The tenth step is to learn the shorthand symbols for the names of people and persons.

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